FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

Cri. WRIT PETITION NO 2606 of 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr A.P.Mundargi, senior counsel, for the petitioner.
Mr S.V.More, APP for the respondent.

CORAM: D.B.BHOSALE,J.
DATED: 27.06.2006

P.C.:

Heard Mr Mundargi, learned senior counsel for the petitioner and the learned APP for the respondent.

This petition is directed against the issuance of process in Complaint No.232/SW/2004 dated 28.7.2004 against the petitioner under section 420 r/w 402 of IPC The petitioner has approached this Court directly without exhausting an efficacious remedy of revision available under section 397 of the Code of Criminal Procedure before the Sessions Court against the impugned order. This Court in **V.K.Jain and others Vs Pratap V Padode and Anr, 2005 (3) Mh.L.J.778,** while dealing with similar petition

considered several judgments of the Apex Court and has held that the order of issue of process is not an interlocutory order and hence the revision against such order is maintainable. In the circumstances, this petition is disposed of with liberty to the petitioner to file revision within three weeks from today before the appropriate Court against the order impugned in the instant petition. If such revision is filed, same may be considered in accordance with law. The petition is, accordingly, disposed of.

(D.B.BHOSALE,J.)